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7 Attorneys for Defendant
McKesson Corporation

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 DAVID R. TUCKER, on his behalf and on
behalf of all statutory beneficiaries of
14 MICHELLE L. TUCKER, Deceased,

15 Plaintiffs,

16 v.

17 MCKESSON CORPORATION, KV
PHARMACEUTICAL COMPANY,
18 ETHEX CORPORATION and THER-RX
CORPORATION,

19 Defendants.
20

CASE NO. CV-10-02981-SBA

**STIPULATION AND [PROPOSED]
ORDER OF DISMISSAL WITHOUT
PREJUDICE OF DEFENDANT
MCKESSON ONLY**

Hon. Sandra Brown Armstrong

Complaint filed: June 8, 2010

Trial Date: None Set

21
22 **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiff,

23 DAVID R. TUCKER, on his behalf and on behalf of all statutory beneficiaries of
24 MICHELLE L. TUCKER, Deceased, by and through their respective counsel of record,
25 Lowell W. Finson of Philips National Injury Law Group, and Defendant, MCKESSON
26 CORPORATION, by and through their attorney of record Pamela M. Ferguson of
27 Lewis Brisbois Bisgaard & Smith LLP, that this action be dismissed, without prejudice,
28

Sep-23-10 09:51pm From:

7-703 03/98 F-524

1 as against Defendant MCKESSON CORPORATION, ^{ONLY} each party to bear their own
 2 costs and attorneys' fees.

3
 4 DATED: September 23, 2010

PHILIPS NATIONAL INJURY LAW GROUP

5
 6 By:

7 Lowell W. Finson
 8 Attorneys for Plaintiff, DAVID R.
 9 TUCKER, on his behalf and on behalf of all
 10 statutory beneficiaries of MICHELLE L.
 TUCKER, Deceased

11 DATED: September ____, 2010

LEWIS BRISBOIS BISGAARD & SMITH LLP

12
 13 By:

14 Duane C. Musfelt
 15 Pamela M. Ferguson
 16 Shahram Nassi
 Attorneys for Defendant
 McKesson Corporation

17
 18 **ORDER OF DISMISSAL WITHOUT PREJUDICE**

19 OCTOBER

20 IT IS SO ORDERED this 12 day of ~~September~~ ^{October}, 2010.

21
 22 *Sandra B. Armstrong*

23 HONORABLE SAUNDRA B. ARMSTRONG
 24 UNITED STATES DISTRICT COURT JUDGE

25
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 27
 28
 LEWIS
 BRISBOIS
 BISGAARD
 & SMITH LLP
 ATTORNEYS AT LAW

4312-3790-4125.1

2
 STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITHOUT PREJUDICE

CV-10-02981-SBA

1 as against Defendant MCKESSON CORPORATION, ^{ONLY} each party to bear their own
2 costs and attorneys' fees.

3
4 DATED: September ___, 2010

PHILIPS NATIONAL INJURY LAW GROUP

6 By: _____

7 Lowell W. Finson
8 Attorneys for Plaintiff, DAVID R.
9 TUCKER, on his behalf and on behalf of all
10 statutory beneficiaries of MICHELLE L.
TUCKER, Deceased

11 DATED: September 24, 2010

LEWIS BRISBOIS BISGAARD & SMITH LLP

12
13 By: 

14 Duane C. Musfelt
15 Pamela M. Ferguson
16 Shahram Nassi
17 Attorneys for Defendant
18 McKesson Corporation

19
20 **ORDER OF DISMISSAL WITHOUT PREJUDICE**

21
22 IT IS SO ORDERED this ___ day of September, 2010.

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HONORABLE SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE***Tucker v. McKesson Corporation, et al.***

U.S.D.C., Northern District, Case No. CV-02981-SBA

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to the action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On September 24, 2010, I served the following document(s): **STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITHOUT PREJUDICE OF DEFENDANT MCKESSON ONLY**

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Attorneys for Plaintiffs

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The documents were served by the following means:

- [X] (BY U.S. MAIL) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and I deposited the sealed envelope or package with the U.S. Postal Service, with the postage fully prepaid.
- [X] (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on September 24, 2010, at San Francisco, California.


Nancy Lew-Pham